

### REMARKS

The above-identified application has been carefully reconsidered in view of the Office Action mailed November 9, 2004. Early and favorable reconsideration and allowance of the application as now presented is respectfully requested.

The claims pending in the application have been amended in accordance with the Examiner's helpful suggestions as set forth in the Office Action. It is respectfully submitted that the amendments presented herewith overcome the Examiner's rejections under 35 U.S.C. §112.

It is respectfully submitted that the rejection under 35 U.S.C. §103 is legally improper and therefore must be withdrawn. It is respectfully submitted that intentional misreading of prior art references serves no benefit either to the Patent and Trademark Office, or to the Applicant, or to the public. Withdrawal of the rejection under 35 U.S.C. §103 and allowance of the application as now presented are therefore respectfully requested.

Applicant respectfully submits that the pusher plate 137 as shown in FIGS. 4A, et al. of Schneider, et al., Patent No. 5,317,859 which was relied upon by the Examiner in the Office Action is an *angle iron*. Thus, the pusher plate 137 is in no way retractable between vertical and horizontal orientations as is disclosed and claimed by Applicant.

Much more importantly, it is respectfully submitted that the pusher plate 137 of FIGS. 4A, et al. has nothing whatsoever to do with advancing wrapped bakery products onto the cruciform turntable 70 of Schneider, et al.

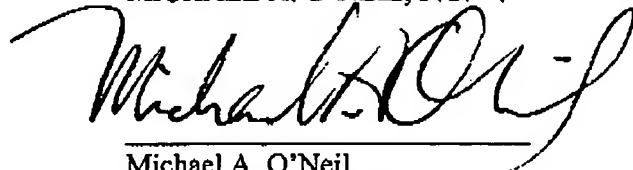
Lastly, the Examiner's assertion in the first full paragraph of page 4 of the Office Action that simply because vacuum turntables are generally known it would be obvious to employ a vacuum

turntable in a bakery product pattern forming device is respectfully traversed. Quite to the contrary, predecessors in the art have been forced to utilize complicated devices such as the cruciform turntable of Schneider, et al. to attempt success at pattern forming of wrapped bakery products. The Examiner has not shown, and Applicant respectfully asserts that no one prior to Applicant has been successful at adapting vacuum turntable technology to the pattern forming of wrapped bakery products.

In conclusion, it is respectfully submitted the application as now presented is in condition for favorable action and allowance.

Respectfully submitted,

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